

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1.-8. (Cancelled)

9. (New) A control apparatus of a construction machine that includes:

 a variable displacement hydraulic pump driven by a prime mover;

 a hydraulic actuator driven with pressure oil discharged from the hydraulic pump; and

 a rotation speed detection device that detects an actual rotation speed of the prime mover, comprising:

 a prime mover control device that controls a rotation speed of the prime mover in accordance with an extent to which an operating member is operated; and

 an input torque control device that adjusts an input torque for the hydraulic pump based on a deviation between the actual rotation speed detected by the rotation speed detection device and a control rotation speed set through an operation of the operating member, wherein:

 the input torque control device executes control to decrease the input torque if the control rotation speed is greater than the actual rotation speed and the deviation between them is larger than or equal to a predetermined value.

10. (New) A control apparatus of a construction machine that includes:

 a variable displacement hydraulic pump driven by a prime mover;

 a hydraulic actuator driven with pressure oil discharged from the hydraulic pump; and

a rotation speed detection device that detects an actual rotation speed of the prime mover, comprising:

a prime mover control device that controls a rotation speed of the prime mover in accordance with an extent to which an operating member is operated; and

an input torque control device that adjusts an input torque for the hydraulic pump based on a deviation between the actual rotation speed detected by the rotation speed detection device and a control rotation speed set through an operation of the operating member, wherein:

if the control rotation speed is greater than the actual rotation speed and the deviation between them is larger than or equal to a predetermined value, the input torque control device executes control to decrease the input torque by an amount which is greater than an amount set when the deviation is below the predetermined value.

11. (New) A control apparatus of a construction machine according to claim 9, wherein:

the input torque control device sets an adjustment amount of the input torque to zero if the control rotation speed is greater than the actual rotation speed and the deviation between them is below the predetermined value.

12. (New) A control apparatus of a construction machine according to claim 9, wherein:

the input torque control device executes control to increase the input torque in correspondence with increase in the deviation if the control rotation speed is smaller than the actual rotation speed, and

if the control rotation speed is greater than the actual rotation speed and the deviation between them is larger than or equal to the predetermined value, a rate of change of

the input torque is set greater than a rate of change of the input torque set when the control rotation speed is smaller than the actual rotation speed.

13. (New) A control apparatus of a construction machine according to claim 9, wherein:

the hydraulic actuator is a hydraulic motor for traveling, and the operating member is a travel pedal.

14. (New) A control apparatus of a construction machine according to claim 13, further comprising:

a travel detection device that detects traveling or non-traveling, wherein:

if the non-traveling is detected with the travel detection device when the control rotation speed is greater than the actual rotation speed, the input torque control device decreases the input torque by an amount which is greater than an amount set when the traveling is detected.

15. (New) A wheeled hydraulic excavator, comprising:

a variable displacement hydraulic pump driven by a prime mover;

a hydraulic actuator driven with pressure oil discharged from the hydraulic pump;

a rotation speed detection device that detects an actual rotation speed of the prime mover; and

a control apparatus according to claim 9.

16. (New) An method for calculating an input torque which is implemented by a hydraulic circuit including at least a variable displacement hydraulic pump driven by a prime mover and a hydraulic actuator driven with pressure oil discharged from the hydraulic pump, comprising:

calculating a standard torque in correspondence with a deviation between a control rotation speed and an actual rotation speed of the prime mover;

setting a correction torque to zero if the control rotation speed is greater than the actual rotation speed and the deviation between them is smaller than or equal to a predetermined value, but setting the correction torque to a negative value if the deviation is larger than the predetermined value; and

calculating the input torque by adding the correction torque to the standard torque.

17. (New) A control apparatus of a construction machine according to claim 10, wherein:

the input torque control device sets an adjustment amount of the input torque to zero if the control rotation speed is greater than the actual rotation speed and the deviation between them is below the predetermined value.

18. (New) A control apparatus of a construction machine according to claim 10, wherein:

the input torque control device executes control to increase the input torque in correspondence with increase in the deviation if the control rotation speed is smaller than the actual rotation speed, and

if the control rotation speed is greater than the actual rotation speed and the deviation between them is larger than or equal to the predetermined value, a rate of change of the input torque is set greater than a rate of change of the input torque set when the control rotation speed is smaller than the actual rotation speed.

19. (New) A control apparatus of a construction machine according to claim 10, wherein:

the hydraulic actuator is a hydraulic motor for traveling, and the operating member is a travel pedal.

20. (New) A control apparatus of a construction machine according to claim 19, further comprising:

a travel detection device that detects traveling or non-traveling, wherein:

if the non-traveling is detected with the travel detection device when the control rotation speed is greater than the actual rotation speed, the input torque control device decreases the input torque by an amount which is greater than an amount set when the traveling is detected.

21. (New) A wheeled hydraulic excavator, comprising:

a variable displacement hydraulic pump driven by a prime mover;

a hydraulic actuator driven with pressure oil discharged from the hydraulic pump;

a rotation speed detection device that detects an actual rotation speed of the prime mover; and

a control apparatus according to claim 10.